

23.11.2021
Item no.61
Court No.32
Avijit Mitra

C.R.M. 5585 of 2021 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Kaliachak Police Station Case No.824 of 2020 dated 20.10.2020 under Sections 341/326/307 of the Indian Penal Code;
And

In Re : Rofik Sk. @ Md. Rofique

.... petitioner

Mr. Mrityunjoy Chatterjee,
....for the petitioner

Mr. Binay Panda,
Ms. Puspita Saha,
Mr. Subham Kanti Bhakat
..... for the State

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated owing to a prior enmity. He is languishing in custody for more than 170 days. Upon completion of investigation chargesheet has already been submitted and as such further detention of the petitioner is not necessary.

Ms. Saha, learned advocate appearing for the State opposes the prayer for bail and draws our attention to the statements of the victim including the injury report.

Having heard the learned advocates appearing for the parties and considering the materials in the case diary, the nature of injury and the period of detention, we are of the opinion that further detention of the petitioner is not necessary,

more so when upon conclusion of investigation chargesheet has been submitted.

Accordingly, we direct that the petitioner, namely, **Rofik Sk. @ Md. Rofique** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Chief Judicial Magistrate, Malda with a further condition that the petitioner shall not enter the jurisdiction of the Kaliachak Police Station.

It is further directed that the petitioner shall not intimidate the witnesses and/or tamper with the evidence.

In the event the petitioner fails to comply with the conditions as stated hereinabove, it would be open to the learned Trial Court to cancel the bail without any further reference to this Court.

The application for bail being C.R.M. No.5585 of 2021 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)